

SENATE BILL 2037
By O'Brien

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 10, relative to personal watercraft.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 10, Part 2, is amended by adding the following as a new section to be appropriately designated:

Section ____.

(a) As used in this section, "personal watercraft" means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designated to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

(b) A person may not operate a personal watercraft on the waters of this state, unless each person operating, riding on, or being towed by the vessel is wearing a personal flotation device approved by the United States Coast Guard, in accordance with rules and regulations by the commission.

(c) A person operating a personal watercraft on the waters of this state that does not have self circling capability, shall have a lanyard type engine cutoff switch and must attach the lanyard to the person, clothing, or personal flotation device as is appropriate.

(d) A personal watercraft shall at all times be operated on the waters of this state in a reasonable and prudent manner. Maneuvers which endanger life,

limb, or property, or create a public nuisance, including, but not limited to, the following, weaving through congested vessel traffic at high speed, following closely behind within the wake of a vessel towing a person or persons on water skis, surfboard, or other water sport device, jumping the wake of another vessel traveling in the same direction in close proximity to the vessel, cutting between a boat and the person or persons being towed by that boat, or crossing at right angles in close proximity to the stern of another vessel or when visibility around the other vessel is obstructed, or steering a vessel toward any object or person in the water and turning sharply at close range so as to spray the object or person, shall all constitute the reckless operation of a vessel, as provided in subsection (a) of Section 69-10-216. Any person violating this subsection shall be punished upon conviction as provided in Section 69-10-219.

(e) No person under the age of twelve (12) shall operate a personal watercraft on the waters of this state, and persons who are at least twelve (12) and over may only operate personal watercraft on the waters of this state to the extent otherwise permitted by law.

(f) It is unlawful for the owner of any personal watercraft or any person having charge of or control of a personal watercraft to authorize or knowingly permit these to be operated on the waters of this state by a person in violation of this section.

(g) No person shall tow any person by personal watercraft unless the personal watercraft is equipped with a rearview mirror meeting the specifications established by regulation of the commission.

(h) Any person who violates this section, except as otherwise provided in subsection (d), shall be guilty of a Class B misdemeanor. All fines collected for violation of this section shall be deposited in accordance with Section 69-10-203(b).

(i) This section does not apply to a performer engaged in a professional exhibition or a person participating in a regatta, race, marine parade, tournament, or exhibition, and any rules and regulations issued by the commission.

SECTION 2. Tennessee Code Annotated, Title 69, Chapter 10, Chapter 2, is amended by adding the following as a new section to be appropriately designated:

Section ____.

(a) The specifications for rearview mirrors on personal watercraft used for towing any person shall be as follows: Each mirror shall contain a minimum viewing area size of sixty-five (65) square centimeters (ten (10) square inches), a minimum viewing area height of sixty-four (64) millimeters (two and one-half (2.5) inches), and a minimum viewing area width of one hundred (100) millimeters (four (4.0) inches). Said mirrors shall be mounted or attached on both the right and left sides of the personal watercraft so as to provide the maximum rearward observation by the operator. Mirrors shall not be mounted or attached to the steering mechanism of the personal watercraft. The minimum combined viewing area of both mirrors shall be one hundred thirty (130) square centimeters (twenty (20) square inches).

(b) It shall be a Class A misdemeanor to tow any person by personal watercraft unless said watercraft meets all of these specifications.

SECTION 3. This act shall take effect July 1, 1996, the public welfare requiring it.